IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN OF TEXAS MARSHALL DIVISION

PHOENIX LICENSING, L.L.C. and LPL LICENSING, L.L.C.,	CASE NO.: 2:11-cv-00285-JRG
Plaintiffs,))
v.))
AETNA INC, et al.)))
Defendants.))

DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Date Due	Event
December 2, 2013	*Jury Selection - 9:00 a.m. in Marshall, Texas
November 18, 2013	*Pretrial Conference – 9:00 a.m./p.m. in Marshall, Texas
November 13, 2012	*Notify Court of Agreements Reached During Meet and Confer
	The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreement reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
November 11, 2013	*File Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict, and Responses to Motions in Limine
November 4, 2013	*File Notice of Request for Daily Transcript or Real Time Reporting.
	If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.
October 28, 2013	File Motions in <i>Limine</i>
	The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).
October 28, 2013	Serve Objections to Rebuttal Pretrial Disclosures
October 21, 2013	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
October 7, 2013	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

Date Due	Event
September 9, 2013	*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)
	No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
September 9, 2013	Deadline to Complete Expert Discovery
August 19, 2013	Serve Disclosures for Rebuttal Expert Witnesses
July 29, 2013	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
July 17, 2013	Serve Disclosures for Expert Witnesses by the Party with the Burdenof Proof
July 15, 2013	*Deadline to File Letter Briefs Regarding Dispositive Motions
June 7, 2013	Privilege logs to be exchanged by the parties
May 10, 2013	Deadline to Complete Mediation
April 30, 2013	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
April 9, 2013	*Claim Construction Hearing - 9:00 a.m. in Marshall, Texas
March 26, 2013	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
March 19, 2013	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
March 12, 2013	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
January 22, 2013	Deadline to Substantially Complete Document Production.
	Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.

Date Due	Event
February 19, 2013	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
February 5, 2013	File Response to Amended Pleadings
January 22, 2013	*File Amended Pleadings
	It is not necessary to seek leave of Court to amend pleadings prior to
	this deadline unless the amendment seeks to assert additional patents
January 22, 2013	Comply with P.R. 4-3 (Joint Claim Construction Statement)
January 8, 2013	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
December 4, 2012	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
August 29, 2012	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
June 8, 2012	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)
May 18, 2012	Join Additional Parties
May 4, 2012	*File Proposed Docket Control Order, Proposed Discovery Order,
	and Proposed Protective Order
May 4, 2012	*File Notice of Mediator

^(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

<u>Notice of Mediator</u>: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than the deadline for filing letter briefs. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted. Letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

Form of the Pretrial Order and Pretrial Disclosures: The Court will issue a standing order governing the form of the pretrial order and pretrial disclosures at least four months prior to trial. The parties may obtain a copy of the order from the Court's website at that time.

<u>Motions for Continuance</u>: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

IT IS SO ORDERED.

So ORDERED and SIGNED this 15th day of May, 2012.

UNITED STATES DISTRICT JUDGE